



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/607,075

06/25/2003

Azar Mamed Ogly Takhiri

4613/0M989

6547

7590

12/14/2004

DARBY & DARBY P.C.  
Post Office Box 5257  
New York, NY 10150-5257

EXAMINER

TABATABAI, ABOLFAZL

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/607,075	TAKHIRI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Abolfazl Tabatabai	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☒ Claim(s) 1-7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Claim Objections**

1. Claims 1-7 are objected to because of the following informalities:
2. Claims 1-7 should be rewritten to comply with the requirements of MPEP 608.01 (I)-(P).
3. An independent claim should not start with " the".
4. Claim limitations in first occurrence should not be started with " the" (e.g., the identification surface in line 6 of claim 1 should be changed to an identification surface).

Appropriate correction is required.

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2625

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkner (U S 5,483,601) in view Neukermans et al (U S 6,122,394).

Regarding claim 8, Faulkner discloses device for biometrical personal identification that pertains to the hand characteristic geometry sizes containing the following:

a) identification surface designed to identify living matter when the user places its hand on the surface (figs. 13-18; element 100 and column 7, lines 19-22);

b) device illuminating the user's hand designed to create parallel beam of light in the identification surface area (column 5, lines 7-11 and column 13, lines 31-41);

d) Identification processing device connected to the user's hand scanning device (fig. 5, corresponds 30,40,50,60; column 8, lines 48-67; column 9, lines 1-18 and column 12, lines 49-63).

However, Faulkner is silent about the specific details regarding the step of:

c) the user's hand scanning device including photo-cell with memory unit only subject to presence of living matter on the identification surface.

In the same field of endeavor (personal identification), however, Neukermans discloses compact, simple, 2D raster, image-building fingerprint scanner comprising the step of:

c) the user's hand scanning device including photo-cell with memory unit only subject to presence of living matter on the identification surface (column 9, lines 47-49).

Art Unit: 2625

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use user's hand scanning device including photo-cell with the memory as taught by Neukermans in the system of Faulkner because photo-cell is a conventional device and it is useful for detecting the presence of the objects.

### **Allowable Subject Matter**

**7. Claims 1-7 would be allowable if rewritten to overcome claim objections set forth in the office action.**

8. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Other Prior Art**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rowe et al (U S 6,560,352 B2) disclose apparatus and method of biometric identification or verification of individuals using optical spectroscopy.

Rompel et al (U S 6,552,781 B1) disclose device for counting and/or sorting coins.

Hoffman (U S 5,615,277) discloses tokenless security system for authorizing access to a secured computer system.

Roustaei et al (U S 5,786,582) disclose optical scanner for reading and decoding one and two-dimensional symbologies at variable depths of field.

Morris et al (U S 6,454,408 B1) disclose shaped ophthalmic lenses.

Art Unit: 2625

### **Contact Information**

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to ABOLFAZL TABATABAI whose telephone number is (703) 306-5917.

The Examiner can normally be reached on Monday through Friday from 9:30 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mehta Bhavesh M, can be reached at (703) 308-5246. The fax phone number for organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abolfazl Tabatabai

Patent Examiner

Group Art Unit 2625

November 24, 2004

*A-Tabatabai*